

2012v00149

MP/ja

PAUL J. FISHMAN

United States Attorney

By: MARION PERCELL

Assistant United States Attorney

970 Broad Street, Suite 700

Newark, New Jersey 07102

(973) 645-2733

CLOSED

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA,	:	Hon. Dennis M. Cavanaugh
	:	
Plaintiff,	:	Civil Action No. 12-868
-v-	:	
	:	DEFAULT JUDGMENT AND FINAL
\$179,726 FROM CITY NATIONAL	:	ORDER OF FORFEITURE
BANK OF NEW JERSEY,	:	
CASHIER'S CHECK NUMBER	:	
121641,	:	
	:	
Defendant-in-rem.	:	

WHEREAS, on February 13, 2012, a Verified Complaint for Forfeiture *In Rem* was filed in the United States District Court for the District of New Jersey against the defendant property, namely \$179,726 from City National Bank of New Jersey, cashier's check number 121641 (hereinafter "defendant property") to enforce the provisions of Title 18, United States Code, Section 981, which provides for the forfeiture of any property, real or personal, involved in a transaction or attempted transaction in violation of Title 18, United States Code, Section 1956, or any property traceable to such property, and pursuant to Title 21, United States Code, Section 881(a)(6), which provides for the forfeiture of all moneys or other things of value furnished or intended to be furnished by any

person in exchange for a controlled substance or listed chemical in violation of Title 21, United States Code, Section 801 *et. seq.*, and all monies traceable to such an exchange, and all moneys, negotiable instruments, and securities used or intended to be used to facilitate any violation of Title 21, United States Code, Section 801 *et seq.*; and

WHEREAS, pursuant to the Warrant for Arrest *In Rem* issued by the Clerk of the Court on February 17, 2012, the United States Marshal Service seized the defendant property; and

WHEREAS, on February 27, 2012, the United States sent the Verified Complaint for Forfeiture *In Rem*, Warrant for Arrest *In Rem*, and a Notice of Forfeiture by certified mail, return receipt requested to Brian Y. Silber, Esq., Silber Criminal Law Firm, 12 S.E. 7th Street, Suite 705, Fort Lauderdale, Florida 33301, counsel for potential claimant Elber Elias Chagui Spath (*see* Declaration of Marion Percell with Exhibits, Exhibit A, hereinafter "Percell Decl."); and

WHEREAS, on March 5, 2012, the Verified Complaint for Forfeiture *In Rem*, Warrant for Arrest *In Rem*, and Notice of Forfeiture were received by Brian Y. Silber, Esq., Silber Criminal Law Firm, 12 S.E. 7th Street, Suite 705, Fort Lauderdale, Florida 33301, counsel for potential claimant Elber Elias Chagui Spath (*id.*); and

WHEREAS, Notice of Civil Forfeiture was posted on an official government internet website (www.forfeiture.gov) for at least 30 consecutive days, beginning on February 24, 2012, as required by Rule G(4)(a)(iv)(C) of the Supplemental

Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions (Percell Decl., Exhibit B); and

WHEREAS, in order to avoid forfeiture of the defendant property, any other person claiming an interest in, or right against, the defendant property must file a Claim under penalty of perjury identifying the specific property claimed, identifying the claimant and stating the claimant's interest in the property in the manner set forth in Rule G(5) of the Supplemental Rules for Admiralty or Maritime and Asset Forfeiture Claims, Federal Rules of Civil Procedure and 18 U.S.C. § 983(a)(4)(A), except that in no event may such Claim be filed later than 60 days after the first day of publication on the above-referenced official government internet website, and having filed such a Claim, must also file an answer to the complaint not later than 20 days after the filing of the Claim; and

WHEREAS no Claim has been filed by any other person within the time permitted by Rule G(5) of the Supplemental Rules for Certain Admiralty or Maritime and Asset Forfeiture Claims, Federal Rules of Civil Procedure for the defendant property in this matter; that is, no Claim was filed by April 24, 2012.

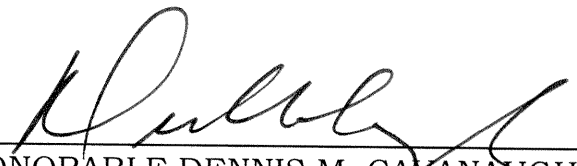
NOW THEREFORE, IT IS HEREBY, ORDERED, ADJUDGED AND DECREED:

THAT a Default Judgment and a Final Order of Forfeiture is granted against the defendant property, namely \$179,726 from City National Bank of New

Jersey, cashier's check number 121641, and no right, title or interest in the defendant property shall exist in any other party; and

THAT any and all forfeited funds, including but not limited to currency, currency equivalents and certificates of deposits, as well as any income derived as a result of the United States Marshal Service's management of any property forfeited herein, after the payment of costs and expenses incurred in connection with the forfeiture and disposition of the forfeited property, shall be deposited forthwith by the United States Marshal Service into the Department of Justice Asset Forfeiture Fund, in accordance with the law.

ORDERED this 14 day of June, 2012.



HONORABLE DENNIS M. CAVANAUGH
UNITED STATES DISTRICT JUDGE